

**Calendar No. 365**

110TH CONGRESS  
1ST SESSION

**S. 169**

**[Report No. 110–167]**

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. ALLARD (for himself, Mr. LEVIN, Mr. FEINGOLD, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2007

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “National Trails System  
3 Willing Seller Act”.

4 **SEC. 2. AUTHORITY TO ACQUIRE LANDS FROM WILLING  
5 SELLERS FOR CERTAIN TRAILS.**

6 (a) OREGON NATIONAL HISTORIC TRAIL.—Section  
7 5(a)(3) of the National Trails System Act (16 U.S.C.  
8 1244(a)(3)) is amended by adding at the end the fol-  
9 lowing: “No lands or interests therein outside the exterior  
10 boundaries of any federally administered area may be ac-  
11 quired by the Federal Government for the trail except with  
12 the consent of the owner thereof. The authority of the  
13 Federal Government to acquire fee title under this para-  
14 graph shall be limited to an average of not more than one-  
15 quarter mile on either side of the trail.”.

16 (b) MORMON PIONEER NATIONAL HISTORIC  
17 TRAIL.—Section 5(a)(4) of the National Trails System  
18 Act (16 U.S.C. 1244(a)(4)) is amended by adding at the  
19 end the following: “No lands or interests therein outside  
20 the exterior boundaries of any federally administered area  
21 may be acquired by the Federal Government for the trail  
22 except with the consent of the owner thereof. The author-  
23 ity of the Federal Government to acquire fee title under  
24 this paragraph shall be limited to an average of not more  
25 than one-quarter mile on either side of the trail.”.

1       (e) CONTINENTAL DIVIDE NATIONAL SCENIC  
 2 TRAIL.—Section 5(a)(5) of the National Trails System  
 3 Act (16 U.S.C. 1244(a)(5)) is amended by adding at the  
 4 end the following: “No lands or interests therein outside  
 5 the exterior boundaries of any federally administered area  
 6 may be acquired by the Federal Government for the trail  
 7 except with the consent of the owner thereof. The author-  
 8 ity of the Federal Government to acquire fee title under  
 9 this paragraph shall be limited to an average of not more  
 10 than one-quarter mile on either side of the trail.”.

11       (d) LEWIS AND CLARK NATIONAL HISTORIC  
 12 TRAIL.—Section 5(a)(6) of the National Trails System  
 13 Act (16 U.S.C. 1244(a)(6)) is amended by adding at the  
 14 end the following: “No lands or interests therein outside  
 15 the exterior boundaries of any federally administered area  
 16 may be acquired by the Federal Government for the trail  
 17 except with the consent of the owner thereof. The author-  
 18 ity of the Federal Government to acquire fee title under  
 19 this paragraph shall be limited to an average of not more  
 20 than one-quarter mile on either side of the trail.”.

21       (e) IDITAROD NATIONAL HISTORIC TRAIL.—Section  
 22 5(a)(7) of the National Trails System Act (16 U.S.C.  
 23 1244(a)(7)) is amended by adding at the end the fol-  
 24 lowing: “No lands or interests therein outside the exterior  
 25 boundaries of any federally administered area may be ac-

1 quired by the Federal Government for the trail except with  
 2 the consent of the owner thereof. The authority of the  
 3 Federal Government to acquire fee title under this para-  
 4 graph shall be limited to an average of not more than one-  
 5 quarter mile on either side of the trail.”.

6 (f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—  
 7 Section 5(a)(8) of the National Trails System Act (16  
 8 U.S.C. 1244(a)(8)) is amended by adding at the end the  
 9 following: “No lands or interests therein outside the exte-  
 10 rior boundaries of any federally administered area may be  
 11 acquired by the Federal Government for the trail except  
 12 with the consent of the owner thereof.”.

13 (g) ICE AGE NATIONAL SCENIC TRAIL.—Section  
 14 5(a)(10) of the National Trails System Act (16 U.S.C.  
 15 1244(a)(10)) is amended by adding at the end the fol-  
 16 lowing: “No lands or interests therein outside the exterior  
 17 boundaries of any federally administered area may be ac-  
 18 quired by the Federal Government for the trail except with  
 19 the consent of the owner thereof.”.

20 (h) POTOMAC HERITAGE NATIONAL SCENIC  
 21 TRAIL.—Section 5(a)(11) of the National Trails System  
 22 Act (16 U.S.C. 1244(a)(11)) is amended by adding at the  
 23 end the following: “No lands or interests therein outside  
 24 the exterior boundaries of any federally administered area

1 may be acquired by the Federal Government for the trail  
 2 except with the consent of the owner thereof.”.

3 (i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Sec-  
 4 tion 5(a)(14) of the National Trails System Act (16  
 5 U.S.C. 1244(a)(14)) is amended by adding at the end the  
 6 following: “No lands or interests therein outside the exte-  
 7 rior boundaries of any federally administered area may be  
 8 acquired by the Federal Government for the trail except  
 9 with the consent of the owner thereof. The authority of  
 10 the Federal Government to acquire fee title under this  
 11 paragraph shall be limited to an average of not more than  
 12 one-quarter mile on either side of the trail.”.

13 **SEC. 3. CONFORMING AMENDMENT.**

14 Section 10(e) of the National Trails System Act (16  
 15 U.S.C. 1249(e)) is amended to read as follows:

16 “(e)(1) Except as otherwise provided in this Act,  
 17 there is authorized to be appropriated such sums as may  
 18 be necessary to implement the provisions of this Act relat-  
 19 ing to the trails designated by section 5(a).

20 “(2) Not more than \$500,000 may be appropriated  
 21 for the purposes of land acquisition and interests therein  
 22 for the Natchez Trace National Scenic Trail designated  
 23 by section 5(a)(12) of this Act, and not more than  
 24 \$2,000,000 may be appropriated for the purposes of the  
 25 development of such trail. The administering agency for

1 the trail shall encourage volunteer trail groups to partici-  
 2 pate in the development of the trail.”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Trails System*  
 5 *Willing Seller Act”.*

6 **SEC. 2. AUTHORITY TO ACQUIRE LAND FROM WILLING**  
 7 **SELLERS FOR CERTAIN TRAILS.**

8 (a) *OREGON NATIONAL HISTORIC TRAIL.*—Section  
 9 5(a)(3) of the National Trails System Act (16 U.S.C.  
 10 1244(a)(3)) is amended by adding at the end the following:  
 11 “No land or interest in land outside the exterior boundaries  
 12 of any federally administered area may be acquired by the  
 13 Federal Government for the trail except with the consent  
 14 of the owner of the land or interest in land. The authority  
 15 of the Federal Government to acquire fee title under this  
 16 paragraph shall be limited to an average of not more than  
 17  $\frac{1}{4}$  mile on either side of the trail.”.

18 (b) *MORMON PIONEER NATIONAL HISTORIC TRAIL.*—  
 19 Section 5(a)(4) of the National Trails System Act (16  
 20 U.S.C. 1244(a)(4)) is amended by adding at the end the  
 21 following: “No land or interest in land outside the exterior  
 22 boundaries of any federally administered area may be ac-  
 23 quired by the Federal Government for the trail except with  
 24 the consent of the owner of the land or interest in land.  
 25 The authority of the Federal Government to acquire fee title

1 *under this paragraph shall be limited to an average of not*  
 2 *more than 1/4 mile on either side of the trail.”.*

3 (c) *CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—*  
 4 *Section 5(a)(5) of the National Trails System Act (16*  
 5 *U.S.C. 1244(a)(5)) is amended by adding at the end the*  
 6 *following: “No land or interest in land outside the exterior*  
 7 *boundaries of any federally administered area may be ac-*  
 8 *quired by the Federal Government for the trail except with*  
 9 *the consent of the owner of the land or interest in land.*  
 10 *The authority of the Federal Government to acquire fee title*  
 11 *under this paragraph shall be limited to an average of not*  
 12 *more than 1/4 mile on either side of the trail.”.*

13 (d) *LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—*  
 14 *Section 5(a)(6) of the National Trails System Act (16*  
 15 *U.S.C. 1244(a)(6)) is amended by adding at the end the*  
 16 *following: “No land or interest in land outside the exterior*  
 17 *boundaries of any federally administered area may be ac-*  
 18 *quired by the Federal Government for the trail except with*  
 19 *the consent of the owner of the land or interest in land.*  
 20 *The authority of the Federal Government to acquire fee title*  
 21 *under this paragraph shall be limited to an average of not*  
 22 *more than 1/4 mile on either side of the trail.”.*

23 (e) *IDITAROD NATIONAL HISTORIC TRAIL.—Section*  
 24 *5(a)(7) of the National Trails System Act (16 U.S.C.*  
 25 *1244(a)(7)) is amended by adding at the end the following:*

1 “No land or interest in land outside the exterior boundaries  
 2 of any federally administered area may be acquired by the  
 3 Federal Government for the trail except with the consent  
 4 of the owner of the land or interest in land. The authority  
 5 of the Federal Government to acquire fee title under this  
 6 paragraph shall be limited to an average of not more than  
 7  $\frac{1}{4}$  mile on either side of the trail.”.

8 (f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Sec-  
 9 tion 5(a)(8) of the National Trails System Act (16 U.S.C.  
 10 1244(a)(8)) is amended by adding at the end the following:  
 11 “No land or interest in land outside the exterior boundaries  
 12 of any federally administered area may be acquired by the  
 13 Federal Government for the trail except with the consent  
 14 of the owner of the land or interest in land.”.

15 (g) ICE AGE NATIONAL SCENIC TRAIL.—Section  
 16 5(a)(10) of the National Trails System Act (16 U.S.C.  
 17 1244(a)(10)) is amended by adding at the end the following:  
 18 “No land or interest in land outside the exterior boundaries  
 19 of any federally administered area may be acquired by the  
 20 Federal Government for the trail except with the consent  
 21 of the owner of the land or interest in land.”.

22 (h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—  
 23 Section 5(a)(11) of the National Trails System Act (16  
 24 U.S.C. 1244(a)(11)) is amended—



1           (1) *by striking the fourth and fifth sentences;*  
 2       *and*

3           (2) *by adding at the end the following: “No land*  
 4       *or interest in land outside the exterior boundaries of*  
 5       *any federally administered area may be acquired by*  
 6       *the Federal Government for the trail except with the*  
 7       *consent of the owner of the land or interest in land.”.*

8       (i) *NEZ PERCE NATIONAL HISTORIC TRAIL.—Section*  
 9       *5(a)(14) of the National Trails System Act (16 U.S.C.*  
 10       *1244(a)(14)) is amended—*

11           (1) *by striking the fourth and fifth sentences;*  
 12       *and*

13           (2) *by adding at the end the following: “No land*  
 14       *or interest in land outside the exterior boundaries of*  
 15       *any federally administered area may be acquired by*  
 16       *the Federal Government for the trail except with the*  
 17       *consent of the owner of the land or interest in land.*  
 18       *The authority of the Federal Government to acquire*  
 19       *fee title under this paragraph shall be limited to an*  
 20       *average of not more than 1/4 mile on either side of the*  
 21       *trail.”.*

22       **SEC. 3. CONFORMING AMENDMENT.**

23       *Section 10 of the National Trails System Act (16*  
 24       *U.S.C. 1249) is amended by striking subsection (c) and in-*  
 25       *serting the following:*

1       “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

2               “(1) *IN GENERAL.*—*Except as otherwise provided*  
 3       *in this Act, there are authorized to be appropriated*  
 4       *such sums as are necessary to implement the provi-*  
 5       *sions of this Act relating to the trails designated by*  
 6       *section 5(a).*

7               “(2)   *NATCHEZ   TRACE   NATIONAL   SCENIC*  
 8       *TRAIL.*—

9               “(A) *IN GENERAL.*—*With respect to the*  
 10       *Natchez Trace National Scenic Trail (referred to*  
 11       *in this paragraph as the ‘trail’)* *designated by*  
 12       *section 5(a)(12)—*

13               “(i) *not more than \$500,000 shall be*  
 14       *appropriated for the acquisition of land or*  
 15       *interests in land for the trail; and*

16               “(ii) *not more than \$2,000,000 shall be*  
 17       *appropriated for the development of the*  
 18       *trail.*

19               “(B) *PARTICIPATION BY VOLUNTEER TRAIL*  
 20       *GROUPS.*—*The administering agency for the trail*  
 21       *shall encourage volunteer trail groups to partici-*  
 22       *pate in the development of the trail.”.*



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**A BILL**

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

SEPTEMBER 17, 2007

Reported with an amendment